

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

(609) 989-2182

CHAMBERS OF
FREDA L. WOLFSON
UNITED STATES DISTRICT JUDGE

Clarkson S. Fisher Federal Building
& U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

October 9, 2013

TO ALL COUNSEL OF RECORD

The Hon. Harriet Derman, J.S.C. (Ret.)
Special Master
DiFrancesco, Bateman, Coley,
Yospin, Kunzman, Davis & Lehrer, P.C.
15 Mountain Boulevard
Warren, New Jersey 07059

David M. Nieportent, Esq.
Counsel for Objector Petri
Samuel & Stein
38 West 32nd Street
Suite 1210
New York, New York 10001

**RE: In re Johnson & Johnson Derivative Lawsuit
Civil Action No. 10-2033 (FLW)(DEA)**

Dear Judge Derman and Counsel,

I am in the process of addressing the objections to the Special Master's Report and Recommendation relating to the amount of attorneys' fees to be awarded in this matter. In particular, with respect to Objector Petri's objection, he identified three categories of fees billed by Plaintiffs' counsel which he claims are unnecessary and conferred no benefits to the class. Those include:

1. 592.5 hours billed by the four law firms representing Demand Futility Plaintiffs relating to motions for appointment of lead counsel and any oppositions thereto.
2. Demand Refused counsel's 756.75 hours for its intervention briefing and motion to appoint lead and liaison counsel in the demand refused actions, as well as 334.9 hours spent on a complaint in intervention.

3. Demand Futility counsel's inclusion of 153.5 hours for time spent in opposing Demand Refused counsel's motion to intervene.

Regarding those categories of fees, in her report, the Special Master declined to exclude wholesale those hours since she found that some benefits were conferred on the class by the process of selecting lead and liaison counsel. However, the Special Master further commented that to extent any of those hours were not appropriately billed – i.e., excessive, vague or otherwise – she had excluded them. Unfortunately, while the Special Master's Report and the accompanying exhibits are thorough and detailed, I cannot identify the hours deducted by the Special Master relating to the above categories. As a result, I am not able to properly evaluate what, if any, further deductions should be taken.

Accordingly, I request the Special Master to provide this Court with a spreadsheet of those hours she has deducted from the billable hours relating to the above categories of fees identified by the Objector.

Sincerely yours,

/s/ Freda L. Wolfson
FREDA L. WOLFSON
United States District Judge